

Text of Spence Report on the Safran-CIA Links

6 JAN 86 HARVARD CRIMSON Dean Says Safran Erred on Conference, Harvard on Book

Following is the complete text of a report by Dean of the Faculty of Arts and Sciences A. Michael Spence on Harvard's Center for Middle Eastern Studies. The report, dated December 30 and released January 2, concerns two contracts between the Center's director, Professor Nadav Safran, and the Central Intelligence Agency. Accompanying the report were copies of the two contracts. (Note: The title of Safran's recently published book is stated incompletely in Spence's report. The complete title is "Saudi Arabia: The Causeless Quest for Security.")

I am writing to report on the conclusions I have reached as a result of a thorough review of two contracts between the Central Intelligence Agency (CIA) and Professor Nadav Safran, the Director of the Center for Middle Eastern Studies (CMES or Center). The purposes of this review were the following: (1) to determine if Harvard University and Faculty of Arts and Sciences guidelines and policies with respect to research and closely-related activities were followed; and (2) to determine whether these same policies are adequate to protect academic freedom and the integrity of the research process at Harvard.

The review was initiated after a CIA contract with Professor Safran for a conference entitled "Islam and Politics in the Contemporary Muslim World" was brought to the University's attention in early October 1985. Shortly thereafter, the press reported a second CIA contract to support research that resulted in a book by Professor Safran entitled "Saudi Arabia: The Quest for Security." The book was recently published by the Harvard University Press.

As background to this statement, I have attached the following items:

1. My previous statement explaining my decision to allow the conference on Islam and Politics to take place, and the conditions that were set forth and agreed to for proceeding with the conference.

2. Copies of both the research and the conference contracts.

The free and open exchange of information and ideas is essential to an academic community. University policy statements have addressed the importance of freedom to publish without external restriction, the independence and objectivity of scholarship, and the freedom of scholars to disclose their external sources of research support. Although the pursuit of knowledge by individuals should not be constrained by an academic community, neither should limitations on free and open exchanges among scholars be accepted. For these reasons, Harvard has adopted certain policies governing the sponsorship and conduct of research.

ON SAFRAN'S CONTRACT FOR THE CONFERENCE:

"The problem of disclosure of the conference contract may have caused a loss of confidence in the Center and in the University's ability to follow effectively its policies in areas that are crucial to scholars. We are determined to restore full confidence over time..."

ON THE BOOK CONTRACT:

"Professor Safran followed the policies and guidelines with respect to disclosure of individual contracts in the case of the book contract. He cannot and should not be held responsible for the Faculty's failure to conduct a complete review and respond to the disclosure."



A. MICHAEL SPENCE



NADAV SAFRAN

Before I turn to the specifics of the contract in question, I want to describe the essential elements of the three policy statements that are relevant.

The first is the "Report of the Committee on Relationships Between the Harvard Community and United States Intelligence Agencies" (Intelligence Agency Guidelines). The guidelines contained in the report were announced by President Derek Bok on May 20, 1977. The guidelines reflect the position of the Ad Hoc Committee and the President, with which I fully agree, that Harvard as an institution should not prohibit the acceptance of research support from the CIA or any other agency, so long as the terms and conditions associated with the funds conform with institutional research policies and the existence of the agreement is made public. With regard to personal contracts between individual faculty and intelligence agencies, the guidelines state: "Individual members of the Harvard community may enter into direct or indirect consulting arrangements for the CIA to provide research or analytical services. The individual should report in writing the existence of such an arrangement to the Dean of his or her Faculty, who should then inform the President of the University." One reason for this rule is stated in the preamble to the guidelines: "Individual actions, when one is a member of the academic community, can affect adversely the institution and other members of the community."

The second policy statement is the "Faculty of Arts and Sciences Statement of Policy on Conflicts of Interest" (Conflict of Interest Policy). This policy was developed by a committee of the Faculty and was voted by the Faculty on November 10, 1981 and by the President and Fellows of Harvard College on March 1, 1982. The policy acknowledges that the individual rights of faculty must be carefully weighed against the fact that a faculty appointment is "full-time in the most inclusive sense." The policy emphasizes the importance of disclosure and consultation with designated officials of the Faculty of Arts and Sciences when there is a question about the propriety of a potential individual contract. In the category of activities that faculty should discuss are "...projects and purposes that are deemed inappropriate for the University to sponsor (e.g. consulting on a proprietary basis or on government matters requiring secrecy)...."

The third statement is the "Report of the Committee on Criteria for the Acceptance of Sponsored Research in the Faculty of Arts and Sciences" (Sponsored Research Policy), which was voted by the Faculty on December 1, 1970. This policy establishes the characteristics of acceptable institutional research agreements and has long been applied to related projects such as conferences. The elements of this policy that are relevant to the current controversy are that the source of sponsorship must be such that it can be publicly disclosed, that faculty must "have the full right to publish any results obtained by them, subject only to established safeguards for the protection of privacy or confidentiality of personal data," and that institutional financial and administrative interests should be fairly considered and protected.

There is one general issue that deserves comment before I address the cases at hand. The above statements deal in some cases with grants to and contracts with the institution, and in other cases, with grants to and contracts with individual faculty. The boundary line between agreements that are purely individual and those that involve the institution is not clear-cut, but it is important that the distinction be made. Factors bearing on the distinction include the extent of the use or involvement of Harvard's facilities, staff, students, and name. When the existence and extent of involvement of the institution is unclear, case by case determinations must be made by deans or their designees. The disclosure and consultation elements of the above statements allow for these kinds of individual determinations. I would also note that the Intelligence Agency Guidelines, unlike the other two policy statements, were not adopted by a formal vote of the Faculty of Arts and Sciences. They do, however, reflect the results of careful consideration by a University committee, (including consultation with a number of faculty members and others), have proved useful in providing guidance over the years, and have the strong sanction of the President of the University.

I. The Conference on Islam and Politics

A conference on Islam and Politics was planned by the CMES last spring. At the time of the initial plan, the source of funding was not settled. The Executive Committee of the CMES discussed the possibility of CIA funding at its meeting of April 26, 1985. The Committee urged the Director to seek other sources, but concluded that if CIA funding was accepted, the source of support should be disclosed to all potential participants. Professor Safran did endeavor to attract other sources of support but was unable to do so. Funding for the conference was ultimately secured on August 2, 1985 in the form of an individual contract between Professor Safran and the CIA for \$40,700, later modified to \$45,700. Those who had been invited to participate in the conference were not informed of the fact of CIA support. Although the conference was originally planned for September, more time was needed to organize it and the date was reset for October 15-16.

In early October, the Associate Dean for Research and Allied Institutions in FAS (editor's note: Richard G. Leahy) received a telephone call from a newspaper reporter inquiring about a CMES conference supported by the CIA. The Associate Dean had no knowledge of such a conference and called Professor Safran to inquire further. Professor Safran confirmed the story and was then requested by the Associate Dean to make immediate disclosure to the public. As a result, on October 2, I was informed of the conference and the CIA support in a letter from Professor Safran.

In response to my inquiries, Professor Safran subsequently stated that: (1) he was willing and able to disclose the source of support; (2) there were no restrictions on publication; and (3) there was no abnormal or intrusive involvement of the sponsor in the framing of the topics and content of the conference.

name and facilities. Based on these assurances and conclusions, I permitted the conference to take place provided the source of funding was disclosed to all participants before the conference began and with the understanding that an appropriate charge for indirect cost recovery would be made.

On the weekend before the conference, after I had issued my statement permitting the conference to take place, and a number of the participants had been informed, Professor Safran called me to ask if he should run the conference using CMES as opposed to CIA funds. I told him that with the full disclosure and my public statement, I felt he should proceed with the conference as planned, including the CIA funding. I said that from the standpoint of University Policy, the issue was not the source of funds per se, but the disclosure.

After the conference, I had the opportunity to review the contract itself. It contains a reference to "services of a confidential nature" and then defines services as "coordinating and chairing a conference at the unclassified level." Professor Safran assured me that the initial phrase alluded only to the conference, which is by nature public, and did not preclude him from publicizing the source of funds. In fact, by that time the source of funds had been made public by the press and to the participants in the conference by Professor Safran. There are three problems associated with the handling of the conference and the contract:

1. Not disclosing the contract to the Dean as required by University policy.
2. Not disclosing the source of support to participants (as recommended by the Executive Committee).
3. Not channelling the contract through the University, which was clearly involved financially and as a sponsor.

From the standpoint of scholars there and elsewhere, and from the University's point of view, the most serious problem lies in the need to disclose the sources of support for research or conferences to all those who are involved and to the public. When the CIA is a sponsor, taking this step is mandatory under the Intelligence Agency Guidelines and under accepted academic standards. It is essential for the protection of scholars who place their trust in us. The Middle Eastern Studies Association has expressed deep concern about this failure, focusing quite properly on the importance of full disclosure of research support, especially in cases where others are involved as participants. Fortunately, the conference did not take place before the source of funding was disclosed. Nevertheless, scholars have expressed to me their concern that it might have. For that reason, I feel the University owes an apology to the participants, to scholars in the field, and to the academic community at large. As the Dean of the Faculty in which the CMES resides, I offer that apology sincerely and with a determination to see that this type of problem will not arise again.

II. The Contract for Support of a Research Project on Saudi Arabia

In the summer of 1981, Professor Safran began negotiations with the CIA for support of a research project on Saudi Arabia that had been underway since 1978 and supported by various sources including the Rockefeller Foundation and the Rand Corporation. Early in the negotiation process, Professor Safran consulted about the treatment of possible CIA research funding as an individual rather than an institutional agreement with the then Director of the CMES, who was simultaneously serving as Dean of the Graduate School of Arts and Sciences (*editor's note: Professor of History Edward L. Keenan*). In or around May of 1982, Professor Safran discussed the contract with the Associate Dean for Research in the Faculty of Arts and Sciences. Professor Safran was advised of the pertinent University and Faculty policies and was urged to disclose the contract to the Dean.

On May 12, 1982 Professor Safran signed a contract with the CIA for support of the research that resulted in his book, "Saudi Arabia: The Quest for Security." The period of performance specified by the contract was March 1, 1982 through February 28, 1983, and the amount of money involved was \$107,430.

On May 19, 1982 Professor Safran disclosed the existence and full text of the CIA contract in a letter to the Dean of the Faculty of Arts and Sciences (*editor's note: Henry Rosovsky*). In his letter, Professor Safran called attention to the provision requiring pre-publication review, one of the potentially controversial elements of the contract. As far as I have been able to determine, he received no response, nor was the President of the University informed as called for by the Intelligence Agency Guidelines. The review by the Faculty of Arts and Sciences was incomplete in two respects. First, the terms of the contract were not examined closely. Second, the contract was not reviewed to determine the level of institutional involvement and hence the applicability of the University's policies with respect to institutional grants and contracts. These are clearly administrative errors in the Faculty of Arts and Sciences, and not those of Professor Safran or the CMES.

Had it been determined at the time that the contract involved the institution, two provisions in it would have been at variance with University policies with respect to institutional contracts. One is a standard provision granting the CIA the right to review and approve the written output prior to publication. The second provision is a stipulation that the CIA will not be disclosed as a source of research support in subsequent published work. The first provision was qualified in a contract amendment indicating that because "the Government will not provide classified material for use in completing the research...[it] does not anticipate any delay in reaching an affirmative decision on any request for approval to publish." The amendment also obliged the Government to "complete its review within 30 days from receipt of any request to publish," and to give "specific written reasons for withholding approval" if it chose to deny publication. Thus, the right of pre-publication review and

submitting his book to the CIA for pre-publication review, following which no charges were requested or made, and by not disclosing CIA support in his book. Professor Safran did inform his acquisitions editor at the Harvard University Press of the CIA support in a letter dated November 6, 1984, prior to the publication of the book.

The results of my review of the research contract are as follows:

1. Professor Safran followed the policies and guidelines with respect to disclosure of individual contracts in the case of the book contract. He cannot and should not be held responsible for the Faculty's failure to conduct a complete review and respond to the disclosure.
2. Professor Safran made some use of the facilities and personnel of the CMES during the performance of his research contract. That possibility should have been identified by the Faculty of Arts and Sciences and discussed at the time he disclosed the contract because of the importance of determining institutional involvement. I might add that the Faculty's policies (as described at the outset of this report) in respect to contracts that are purely individual do not prohibit the contract terms referred to above.
3. I have taken steps to ensure that all individual contracts submitted for review are examined carefully in the future to determine whether the terms are acceptable or advisable and whether performance of the contract involves others at Harvard or the University's name and facilities to the point of dictating the application of policies for institutional grants.
4. I will take steps to ensure that faculty are fully informed of the relevant policies and guidelines by distributing and drawing their attention to the same annually.
5. I have asked the Faculty Committee on Research Policy whether University or Faculty policy statements or guidelines should be formally voted by the Faculty or amended to address any further problems suggested by these two contracts.

In the past two months since the contract disclosures and the conference, the Office of the Dean has completed a review of the contracts and finances of the Center for Middle Eastern Studies. I have tried to give a complete report of the facts and policies relating to the contracts in question. The review produced no evidence of other contracts or grants with problems of the type described above. Other aspects of the review have been discussed at length with the Standing Committee of the Faculty on Middle Eastern Studies.

The problem of disclosure of the conference contract may have caused a loss of confidence in the Center and in the University's ability to follow effectively its policies in areas that are crucial to scholars. We are determined to restore full confidence over time by taking steps to ensure that the Faculty's policies are widely understood and followed.

Under circumstances of continuing controversy associated with the Center, and out of a commitment to the interests of the Center and his colleagues, Professor Safran has indicated to me that he would prefer to step down as director. He has also expressed to me his profound regret for the effects the disclosure problem has had on the Center and its constituents. With sadness and deep reservation, I have accepted his decision with the understanding that he will serve as director until the end of the academic year to facilitate an orderly transition to a new administration. While I respect his decision and his reasons, the result is in important ways unfortunate for the Center. Professor Safran is a distinguished scholar in this field. His erudition and objectivity as a scholar have not been questioned and are not in question despite the recent controversy.

I may say that during the two years since his appointment as director, he has been very effective in building up the research activity at the Center and the educational offerings in Middle Eastern Studies. His contributions in these areas are widely recognized. The Center has thrived as a scholarly enterprise under his direction. It is unfortunate that it will lose the benefit of his energy and scholarly leadership. The task of the director of such a Center is inevitably made more difficult by deep divisions in the region from which it cannot be isolated. His preference for stepping down as director is motivated by a desire to see the Center recover its momentum as a scholarly enterprise and by a desire to avoid unnecessary and prolonged controversy that would interfere with his own teaching and research and that of others. I respect those intentions while recognizing that he will be difficult to replace as director.

I would like to say a few words about the governance of the Center. The Center's Executive Committee is a divided body. Three members of the Executive Committee (editor's note: Richard N. Frye, Wolfhart P. Heinrichs, Abdelhamid I. Sabra) called publicly for the resignation of the Director immediately after the conference without consulting their colleagues and before a review had been launched. At least one other member of the Executive Committee was deeply offended by that action. Under the circumstances, I believe that the Executive Committee as currently constituted cannot serve a useful function. It will therefore cease to operate as an administrative body in the Center.

As a result, the Standing Committee of the Faculty on Middle Eastern Studies, under the chairmanship of Professor Dwight Perkins, will take a much more active role in the oversight of the Center and its policies. There are some important immediate policy matters to take up. One is whether the CMES needs to supplement the policies of the Faculty of Arts and Sciences with respect to grants and contracts, to take account of the special features of the region in which scholars in the field function. For example, the Committee and the director should consider whether, given the particular circumstances of the Center, intelligence agency grants and contracts should be used for research. Centers are free to add to the Faculty's policies, provided the ad-